

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

THREE ZERO THREE CAPITAL)
PARTNERS, LLC, and 303 ENERGY)
TRADING ALLIANCE, LLC)

Plaintiff)

v.)

WILLIAM JAMISON, JR., STEPHEN)
HARPER, JEFFREY ONG and EVERGREEN)
ENERGY CAPITAL, LLC)

Defendants.)

No. 08 C 248

Judge Blanche M. Manning
Magistrate Judge Arlander Keys

AGREED MOTION TO REMAND

Plaintiffs Three Zero Three Capital Partners, LLC and 303 Energy Trading Alliance, LLC (collectively "Plaintiffs") and Defendants William Jamison, Jr., Stephen Harper, Jeffrey Ong and Evergreen Energy Capital, LLC (collectively "Defendants"), by their undersigned attorneys, respectfully move this Court for an Order remanding this case to the Circuit Court of Cook County, Illinois, County Department, Law Division. In support of this motion, the parties state as follows:

1. On December 6, 2007 Plaintiffs filed their Verified Complaint at Law in the Circuit Court of Cook County, Illinois, County Department, Law Division, Case No. 2007 L 013635.
2. On January 11, 2008, Defendants filed a Notice of Removal with this Court in which they alleged, based on the information available to them at that time, that this Court had original jurisdiction of this matter pursuant to 28 U.S.C. § 1332 because there was complete diversity of citizenship between the parties and the amount in controversy exceeded the sum or value of \$75,000, exclusive of interest and costs. Based upon information and belief at that time,

Defendants stated that Plaintiffs were citizens of the State of Illinois and that Defendants were citizens of the States of Washington and Texas.

3. On January 16, 2008, this Court entered an Order directing Defendants to file an amended notice of removal by February 1, 2008.

4. On January 22, 2008, Plaintiffs filed their First Amended Complaint at Law, in which they allege that at least one owner of 303 Energy Trading Alliance, LLC, John Morse, is a citizen of the State of Washington.

5. Based upon the information alleged in Plaintiffs First Amended Complaint at Law, diversity of citizenship does not exist between the parties at this time.

WHEREFORE, the parties respectfully request that this Court enter an Order remanding this case to the Circuit Court of Cook County, Illinois, County Department, Law Division.

Dated: January 23, 2008

Respectfully submitted,

THREE ZERO THREE CAPITAL
PARTNERS, LLC, and 303 ENERGY
ALLIANCE, LLC

WILLIAM JAMISON, JR., STEPHEN
HARPER, JEFFREY ONG and TRADING
EVERGREEN ENERGY CAPITAL, LLC

/s/ Richard T. Reibman

/s/ Amy J. Carletti

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Counsel for Defendants

CERTIFICATE OF SERVICE

I, Amy J. Carletti, certify that service of the above instrument was accomplished pursuant to ECF upon counsel of record, all of whom are Filing Users according to the Court's General Order On Electronic Filing on this 22nd day of January, 2008.

/s/ Amy J. Carletti

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